

EXHIBIT B



not reasonably calculated to lead to the discovery of admissible evidence, and is outside the scope of its agreement with Plaintiffs.

OBJECTIONS AND ANSWERS TO INTERROGATORIES

1. For the period beginning January 1, 1997, and for each subsequent calendar quarter, and with respect to each of the AWPIDs, identify the following information:
 - a. the total volume of sales, indicating both the number of units and net revenue;
 - b. the "average wholesale price" (AWP), as reported in Medical Economics Red Book, First Data Bank and/or MediSpan, and the volume of sales (in both units and net revenue) occurring (i) at or within five percent of AWP, whether higher or lower, (ii) at more than five percent above AWP, and (iii) at more than five percent below AWP;
 - c. the "average manufacturer price" ("AMP"), as reported to the Secretary of Health and Human Services, pursuant to the requirements of Social Security Act ("SSA") § 1927(b)(3), and the volume of sales (in both units and net revenue) occurring (i) at ANT and up to and including 10% above AMP, and less than or equal to 10% below AMP (broken out separately), (ii) at greater than 10% above AMP but less than or equal to 20% above AMP, and at greater than 10% below AMP but less than or equal to 20% below AMP (broken out separately), (iii) at greater than 20% above AMP but less than or equal to 30% above AMP, and at greater than 20% below AMP but less than or equal to 30% below AMP (broken out separately), (iv) at greater than 30% above AMP but less than or equal to 40% above AMP, and at greater than 30% below AMP but less than or equal to 40% below AMP (broken out separately), and (v) at greater than 40% above AMP but less than or equal to 50% above AMP, and at greater than 40% below AMP but less than or equal to 50% below AMP (broken out separately);
 - d. the "wholesale acquisition cost" ("WAC"), as reported by Medical Economics Red Book, First Data Bank and/or MediSpan or any other such entity that gathers and publishes "wholesale acquisition costs," and the volume of sales (in both units and net revenue) occurring (i) at or within five percent of WAC, whether higher or lower, (ii) at more than five percent above WAC, and (iii) at more than five percent below WAC;
 - e. the "average sales price" (ASP), i.e., the price after reflecting discounts, rebates, chargebacks, to all classes except FSS;
 - f. the total volume of the subject drug, in units, distributed as free goods.

Answer:

BMS objects to this interrogatory to the extent it is duplicative of Interrogatory No. 1 of Plaintiff's First Request, dated December 3, 2003 and BMS Group refers Plaintiffs to its objections and answers to the First Request. BMS Group further objects on the grounds that the



interrogatory is vague, overly broad, unduly burdensome, and calls for the compilation of information that is a matter of public record, is equally available to Plaintiffs, or is already in Plaintiffs' possession, custody or control. BMS Group also objects on the ground that information responsive to this interrogatory can be found in documents it has previously produced as well as documents it is producing pursuant to its agreement with Plaintiffs.

2. For the period beginning January 1, 1997, to the present, has the distribution, marketing, sales or promotion of any AWPID considered, incorporated, or been based upon, in any way, the difference between the cost to the provider and the amount that the provider receives for reimbursement or sale? If so, please describe the circumstances of such distribution, marketing, sales, or promotion, and provide all documents relating thereto, and identify all past and current employees with knowledge of the facts relating to such marketing, sales or promotion.

Answer:

BMS Group objects to this interrogatory to the extent it is duplicative of Interrogatory No. 2 of Plaintiff's First Request, dated December 3, 2003 and BMS Group refers Plaintiffs to its objections and answers to the First Request. BMS also objects on the grounds that it is vague, overly broad, unduly burdensome, and calls for the compilation of information that is equally available to Plaintiffs or already in Plaintiffs' possession, custody or control. BMS Group further objects on the ground that information responsive to this interrogatory can be found in documents it has previously produced as well as documents it is producing pursuant to its agreement with Plaintiffs.

3. For the period of January 1, 1997, to the present, please state for each calendar quarter the largest single purchaser, in terms of units, of each of the AWPIDs and the following:

- a. the total number of units of the AWPIDs received by that purchaser; and
- b. the total net revenue received for the AWPIDs by your company from that purchaser.

Please also produce the contract or agreement governing your relationship with that purchaser for each relevant quarter.